

**DECLARATION**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **NETWORK MONITORING SYSTEM** the specification of which was filed on February 23, 1999 as Application No. 09/256,647.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)**

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

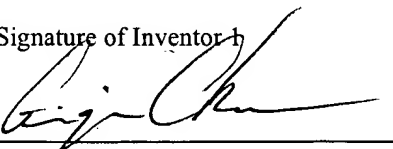

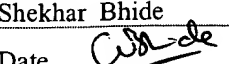
I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:


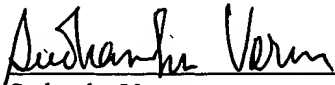
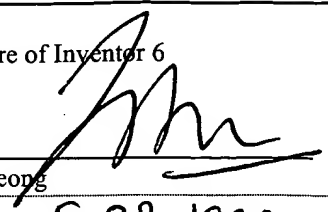
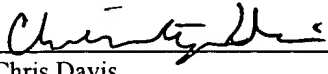
Application No.	Date of Filing	Status

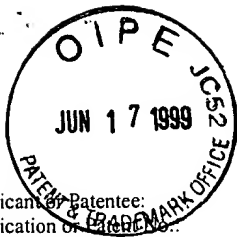
Full Name of Inventor 1:	Last Name: CHU	First Name: GIGI	Middle Name or Initial:
Residence & Citizenship:	City: Santa Clara	State/Foreign Country: CA	Country of Citizenship: United States of America
Post Office Address:	Post Office Address: 3119 Mauricia Avenue	City: Santa Clara	State/Country: Postal Code: CA 95051

Full Name of Inventor 2:	Last Name: BURDICK	First Name: MATT	Middle Name or Initial:	
Residence & Citizenship:	City: San Jose	State/Foreign Country: CA	Country of Citizenship: United States of America	
Post Office Address:	Post Office Address: 538 Mill River Lane	City: San Jose	State/Country: CA	Postal Code: 95134
Full Name of Inventor 3:	Last Name: DICKSON	First Name: CRAIG	Middle Name or Initial:	
Residence & Citizenship:	City: San Mateo	State/Foreign Country: CA	Country of Citizenship: United States of America	
Post Office Address:	Post Office Address: 101 Laurie Meadows Drive #191	City: San Mateo	State/Country: CA	Postal Code: 94403
Full Name of Inventor 2:	Last Name: BHIDE	First Name: SHEKHAR	Middle Name or Initial:	
Residence & Citizenship:	City: Palo Alto	State/Foreign Country: CA	Country of Citizenship: United States of America	
Post Office Address:	Post Office Address: 3211 Stockton Place	City: Palo Alto	State/Country: CA	Postal Code: 94303
Full Name of Inventor 5:	Last Name: VERMA	First Name: SUDANSHU	Middle Name or Initial:	
Residence & Citizenship:	City: San Jose	State/Foreign Country: CA	Country of Citizenship: United States of America	
Post Office Address:	Post Office Address: 1152 Malibu Drive	City: San Jose	State/Country: CA	Postal Code: 95129
Full Name of Inventor 3:	Last Name: LEONG	First Name: JOHN	Middle Name or Initial:	
Residence & Citizenship:	City: Sunnyvale	State/Foreign Country: CA	Country of Citizenship: United States of America	
Post Office Address:	Post Office Address: 197 Cumulus Avenue	City: Sunnyvale	State/Country: CA	Postal Code: 94087
Full Name of Inventor 4:	Last Name: DAVIS	First Name: CHRIS	Middle Name or Initial:	
Residence & Citizenship:	City: San Mateo	State/Foreign Country: CA	Country of Citizenship: United States of America	
Post Office Address:	Post Office Address: 514 B South Eldorado Street	City: San Mateo	State/Country: CA	Postal Code: 94402

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  Gigi Chu	Signature of Inventor 2  Matt Burdick	Signature of Inventor 3  Shekhar Bhide
Date 5/5/99	Date 5-5-99	Date 5/5/99

<p>Signature of Inventor 4</p> <p></p> <p>Craig Dickson</p>	<p>Signature of Inventor 5</p> <p></p> <p>Sudanshu Verma</p>	<p>Signature of Inventor 6</p> <p></p> <p>John Leong</p>
<p>Date 5/28/99</p>	<p>Date 5/28/99</p>	<p>Date 5.28.1999</p>
<p>Signature of Inventor 7</p> <p></p> <p>Chris Davis</p>	<p>Signature of Inventor 8</p> <p>_____</p>	<p>Signature of Inventor 9</p> <p>_____</p>
<p>Date 5/28/99</p>	<p>Date</p>	<p>Date</p>

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

Applicant or Patentee: CHU et al.  
Application or Patent No.: 09/256,647  
Filed or Issued: Feb 23, 1999  
Title: NETWORK MONITORING SYSTEM

I hereby declare that I am:

☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern: Inverse Network Technology  
Address of Small Business Concern: 1215 Apollo Way  
Sunnyvale, CA 94086

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled NETWORK MONITORING SYSTEM by inventors Gigi Chu, Sudanshu Verma, Matt Burdick, Shekhar Bhide, Craig Dickson, John Leong, and Chris Davis described in:

☐ the specification filed herewith;  
☐ Application No. 09/256,647, filed Feb 23, 1999;  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Sudhanshu Verma SUDHANSHU VERMA  
Title of Person if Other than Owner: Vice President Engineering  
Address of Person Signing: 1215 Apollo Way  
Sunnyvale, CA 94086

Signature: Sudhanshu Verma Date: 5/28/99



Attorney Docket No. 19463-1US

### POWER OF ATTORNEY BY ASSIGNEE

Inverse Network Technology is the Assignee of the invention entitled: NETWORK MONITORING SYSTEM, the specification of which was filed on February 23, 1999 as Application Serial No. 09/256,647.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

**Philip H. Albert**, Reg. No. 35,819  
**Gerald T. Gray**, Reg. No. 41,797

Send Correspondence to: Philip H. Albert TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8 <sup>th</sup> Floor San Francisco, CA 94111-3834	Direct Telephone Calls to: Philip H. Albert Reg. No.: 35,819 (415) 576-0200
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### INVERSE NETWORK TECHNOLOGY

Date: \_\_\_\_\_

5/28/99

By: \_\_\_\_\_

*Sudhanshu Verma*  
(Signature)

Name: **SUDHANSHU VERMA**  
VP ENGINEERING  
Title:



Attorney Docket No.: 19463-1US

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicant: CHU et al.

Application No.: 09/256,647 Filed: February 23, 1999

For: NETWORK MONITORING SYSTEM

Inverse Network Technology, a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is assignee of the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame(s) \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : 5/28/99  
Name : SUDHANSHU VERMA  
Title : VICE PRESIDENT, ENGINEERING  
Signature: Sudhanshu Verma